

Atty. Dkt. No. 035451-0126 (3623, Palm)

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 6, 7, 14, and 21 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 2-10, 12-17, and 21-24 are now pending in this application.

**Allowable Subject Matter**

In Section I of the Office Action the Examiner indicated that claims 2-10, 12-17, and 21-24 have been withdrawn from allowability on reconsideration. The Examiner indicated that the term "regardless" is interpreted in such a way as to be covered by the prior art. Although Applicants do not acquiesce in the Examiner's interpretation, Applicant's have revised independent claim 6, to clarify that the predetermined communications connection is effectuated when the handheld computing device is in either one of an on condition or an off condition. Applicants submit that the prior art does not disclose, teach or suggest that such a predetermined communication connection is effectuated whether the device is on or off. The prior art discloses only effectuating such a connection when the device is on. Similarly, Applicants have amended claims 7, 14, and 21 to clarify that the state of the software may be in either a communications mode or a non-communications mode when the predetermined communications connection is effectuated. Applicants submit that the prior art only discloses and teaches a case in which the software is in a communications mode to effectuate the communications connection. Applicants submit that because a handheld computer is inherently used for many tasks, running a variety of software, it is important that the emergency calling sequence can be initiated when the computer is in any state running any software. This is not taught or suggested by the prior art.

Atty. Dkt. No. 035451-0126 (3623.Palm)

**Claim Objections**

In Section 2 of the Office Action the Examiner objected to informalities of Claim 7. Applicants submit that the informalities have been addressed with the current claim amendment.

**Claim Rejections – 35 U.S.C. § 103**

In Section 4 of the Office Action the Examiner rejected claims 6, 7, 14, and 21 under 35 U.S.C. §103 as being unpatentable over Kennedy et al. (U.S. Patent No. 6,535,743) in view of Hess (U.S. Patent No. 5,777,551).

Applicant's have amended independent claim 6, to clarify that the predetermined communications connection is effectuated when the handheld computing device is in either one of an on condition or an off condition. Applicants submit that neither Kennedy et al. nor Hess discloses, teaches or suggests, alone or in any proper combination, that such a predetermined communication connection is effectuated whether the device is on or off. The combination of Kennedy et al. and Hess discloses only effectuating such a connection when the device is on. Similarly, Applicants have amended claims 7, 14, and 21 to clarify that the state of the software may be in either a communications mode or a non-communications mode when the predetermined communications connection is effectuated. Applicants submit that the combination of Kennedy et al. and Hess discloses and teaches a case in which the software is in a communications mode to effectuate the communications connection. Applicants submit that because a handheld computer is inherently used for many tasks, running a variety of software, it is important that the emergency calling sequence can be initiated when the computer is in any state running any software. This is not taught or suggested by the any proper combination of Kennedy et al. and Hess. Accordingly, Applicants respectfully submit that Claims 6, 7, 14, and 21 and their respective dependent claims are therefore allowable.

In Section 6 of the Office Action the Examiner rejected claims 5, 13, and 23 under 35 U.S.C. §103 as being unpatentable over Kennedy et al. and Hess in view of Asari et al. (U.S. Patent No. 6,031,470). Because Applicants believe that independent claims 7, 14, and 21 are

Atty. Dkt. No. 035451-0126 (3623.Palm)

allowable, Applicants believe that dependent claims 5, 13, and 23 are also allowable for substantially the same reasons.

In Section 7 of the Office Action the Examiner rejected claims 10 and 17 under 35 U.S.C. §103 as being unpatentable over Kennedy et al. and Hess in view of Kienberger (U.S. Patent No. 5,467,387). Because Applicants believe that independent claims 7, and 14 are allowable, Applicants believe that dependent claims 10 and 17 are also allowable for substantially the same reasons.

In Section 8 of the Office Action the Examiner rejected claims 9 and 16 under 35 U.S.C. §103 as being unpatentable over Kennedy et al. and Hess in view of Nilsson et al. (U.S. Patent No. 6,332,073). Because Applicants believe that independent claims 7, and 14, are allowable, Applicants believe that dependent claims 9 and 16 are also allowable for substantially the same reasons.

In Section 9 of the Office Action the Examiner rejected claim 22 under 35 U.S.C. §103 as being unpatentable over Kennedy et al. and Hess in view of Shannan et al. (U.S. Patent No. 6,332,084). Because Applicants believe that independent claim 21 is allowable, Applicants believe that dependent claim 22 is also allowable for substantially the same reasons.

\* \* \* \* \*

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check.

Atty. Dkt. No. 035451-0126 (3623.Palm)

being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date February 18, 2005

By Alistair K. Chan

FOLEY & LARDNER LLP  
Customer Number: 26371  
Telephone: (414) 297-5730  
Facsimile: (414) 297-4900

Alistair K. Chan  
Attorney for Applicants  
Registration No. 44,603

001.1760985.1

- 10 -

Application No. 09/844,164